

REMARKS

Claims 1-18 are pending in this application. Claims 1-11 and 18 are withdrawn from consideration. The language of claim 11 has been amended for clarity purposes and not to limit its scope. Claim 12 has been amended to include the subject matter of claims 13-17. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 12-17 stand rejected under 35 U.S.C. § 112, first paragraph, as not being enabled for treating all mGluR5 receptor-mediated disorders.

Without conceding the merits of this rejection, solely for the purpose of advancing prosecution, claim 12 has been amended according to the Examiner's suggestion to include the subject matter of claims 13-17. Accordingly, Applicants respectfully request that the rejection of claims 12-17 under 35 U.S.C. § 112 be withdrawn.

Double Patenting Rejection

Claims 12-17 stand provisionally rejected on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 12-17 of co-pending App. No. 11/840,952, over claims 12-17 of co-pending App. No. 11/840,953, over claims 12-17 of co-pending App. No. 11/840,954, and also over claims 12-17 of co-pending App. No. 11/840,955, which has at least one Applicant in common with the present application.

U.S. Patent Application Nos. 11/840,952, 11/840,953, 11/840,954, and 11/840,955 were filed *after* the instant application and therefore the instant application should be allowed to issue absent a terminal disclaimer when no more rejections remain. MPEP § 804(I)(B)(1) explains that:

If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. . . If 'provisional' ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer.

Accordingly, the obviousness-type double patenting rejections should be withdrawn and the instant application allowed to issue.

Claim Objections

Claims 12-17 are objected to because of informalities. Specifically, claim 12 is objected to for the recitation of “prevention”. Claims 12-17 are objected to as being dependent upon a non-elected base claim.

Claim 12 has been amended to remove the recitation of “prevention” and has been rewritten in independent form. Therefore, Applicants respectfully request that the objections to claims 12-17 be withdrawn.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 15652-14300-US from which the undersigned is authorized to draw.

Dated: October 14, 2010

Respectfully submitted,

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